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C.O.P.

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Dear Ryan:

Thanks for the generous time during our several conversations about the new SMP. While I still have serious concern about several aspects of the SMP, at least I can say that we have gained some greater understanding.

This SMP is complex, confusing, and has inconsistencies. Quite honestly, I still feel that one of the key issues is that the CoBI has failed to adequately communicate with and educate property owners island-wide. But, let me turn to our specific discussions about my neighborhood and the issue of Designation.

We own parcel F-a in Tract F Short Plat, Government Lots 6 & 7. I have struggled to determine what the impacts would be upon our property. The decision to designate our property and others located on the inner south shoreline of Blakely Harbor as Shoreline Residential Conservancy is most troubling. I am increasingly convinced it is incorrect. I have sought out clarification and what justification exists for this action. Based upon our various conversations, and most recent our counter meeting on April 2, it seems clear that an injustice has been done.

Together, we looked at a Google Earth view of ours and neighboring properties. You could easily recognize the very extensive planting we have done. You stated that: "it is unfortunate, but State guidelines actually result in punishing property owners who have done all the right things." Why, when all this careful planning and re-vegetation has been done voluntarily are we and similarly situated property owners to be punished? Ryan, with all due respect, I do firmly believe that the CoBI has it within its power to correct this.

You had told me last month that the feeder bluff criterion drove the designation here. Later, you retracted that and said that instead it was due to greater than 30% overhanging vegetation averaged across the entire reach (essentially the "South Harbor" Tract parcels). You advised me that the Work Groups had an aerial photograph of this reach from the DNR, which they used in making the designation determination, showing "more than 30% overhanging vegetation. There are some major problems with this:

- 1.) The photo was taken in 2001, prior to any of these parcels being developed. The post Blakely Mill unmanaged "forest" fully covered the entire range of properties at that time. Between the next year, 2002, and 2011 there have been eleven primary residences built on these lots. The vegetation picture has changed dramatically, as you have seen in viewing Google Earth. All the significant trees within the shoreline buffer across the reach have been retained (in keeping with the Plat Conditions) with the exception of just a couple of City authorized actions and allowable pruning. The result is what certainly must be less than what appeared to be 30% in 2001.

- 2.) Critical to the issue of Designation are the specific Short Plat Conditions which impose many restrictions upon the properties in question. According to you, and to my own reading of the new SMP, the Plat Conditions are even more restrictive than those of the new SMP and take precedence over the SMP.

Considering just these two facts alone, the Designation of Shoreline Residential Conservancy is not at all necessary. It serves no purpose. To arbitrarily assign it is incorrect, and unfairly places a stigma on the properties.

My suspicion had been that our Plat Conditions had been furnished to the Work Groups/ETAC and that it was actually these Conditions which may have resulted in the Designation. You advised me that this is not correct; they were not in possession of Plat Conditions and based their decision on the 2001 DNR photo. I don't really know what they did nor did not have. Perhaps they did not see the Plat Conditions. If they had, it would have been realized that the additional restrictions of the Conservancy designation were completely unnecessary.

We went through the SMP sections on Shoreline Designations together. You stated that Section 3.2.3.2 Designation Criteria are not an issue, they do not fit us. Biodiversity was mentioned, but we can all assure you that deer, heron, eagles, pheasant, geese, and every form of pre-existing wildlife continue to call this their turf.

The Management Policies under 3.2.3.3 are identical to those in 3.2.2.3.

You pointed to Section 3.4 item 5 on page 31 as one section to also consider. We did not see any issue here. The 30% overhanging vegetation would not seem to be reality today. While the Blakely Harbor Park is at the head of the bay and is designated as Aquatic Conservancy, it would not give rise to designating our property Shoreline Residential Conservancy; else the north shoreline would be required to also be so designated. (This is the very same north shoreline which you pointed out has no trees in the Buffer). We did not see or discuss any other application within these sections.

I asked if you would support us in seeking a change, and eliminating the Conservancy label. The even more restrictive Plat Conditions would still apply. You agreed to be supportive.

You did say however, that the process by which to do this would be to wait until the City Council and the DOE have ratified the new SMP, then for us to submit an Administrative Challenge seeking adjustment. This is the equivalent of closing the barn door after the horse is gone. I do not believe this action now would set any precedent. Other adjustments have been made. This change should be made before any final ratification vote by the City Council. I am told that it can be done now, and as I said above, the City has it within its power to do so.

Please discuss this with Kathy Cook and let me know what additional steps, if any, we need to take to get this done now.

Sincerely,



Jack Sutherland

CC: Kathy Cook, Planning Director, CoBI